



APPROVED DECEMBER 14, 2005

**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 NORTH DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA
NOVEMBER 30, 2005**

REGULAR MEETING MINUTES

PRESENT: David Gulino, Chairman
Steve Steinberg, Vice-Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Steven Steinke, Commissioner

ABSENT: Jeffrey Schwartz, Commissioner

STAFF PRESENT: Donna Bronski
Mac Cummins
Tim Curtis
Kroy Ekblaw
Lusia Galav
Randy Grant
Don Hadder
Phil Kercher
Dave Meinhart

CALL TO ORDER/ROLL CALL

The regular meeting of the Scottsdale Planning Commission was called to order by Chairman Gulino at 5:20 p.m. A formal roll call confirmed the attendance of Commissioners as noted above.

MINUTES REVIEW AND APPROVAL

1. November 9, 2005 Study Session
November 9, 2005 Regular Meeting

APPROVED

COMMISSIONER BARNETT MOVED THE APPROVAL OF THE MINUTES OF THE NOVEMBER 9, 2005 REGULAR MEETING AND STUDY SESSION, AS PRESENTED. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

CONTINUANCES

2. [39-ZN-1992#4 \(Mayo Clinic\)](#) request by owner to rezone from Commercial Office, Environmentally Sensitive Lands Overlay, Hillside District (C-O ESL (HD)) and Single Family Residential, Environmentally Sensitive Lands (R1-43 ESL) to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, Hillside District, (C-O S-C ESL (HD)) on a 173.5 +/- acre parcel and to Commercial Office, Special Campus Overlay, Environmentally Sensitive Lands Overlay, (C-O S-C ESL) on a 10 +/- acre parcel. The entire site is located at the northeast corner of 130th Street and Shea Blvd. **Continued to December 14, 2005.**

COMMISSIONER HEITEL MADE A MOTION TO MOVE [39-ZN-1992#4 \(MAYO CLINIC\)](#) AND [19-ZN-2005 \(SIERRA HIGHLANDS\)](#) BOTH TO THE DECEMBER 14, 2005 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER HESS AND CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

EXPEDITED AGENDA

2. [14-UP-2005 \(Classic Car Spa\)](#) request by owner for a conditional use permit for a gasoline service station with a full service car wash facility on a 2.5 +/- acre parcel located at 22111 N Scottsdale Road with General Commercial District (C-4) zoning. Staff contact person is Greg Williams, 480-312-4205. **Applicant contact person is Rick Stertz, 480-993-4211.**

COMMISSIONER BARNETT MADE A MOTION TO APPROVE [14-UP-2005 \(CLASSIC CAR SPA\)](#), AS LONG AS IT MEETS THE CONDITIONAL USE PERMIT CRITERIA. COMMISSIONER HEITEL SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

REGULAR AGENDA

3. [1-ZN-2005 \(Sereno Canyon\)](#) request by owner for approval of density incentive for current Single Family Residential District Environmentally Sensitive Lands (R1-130 ESL) zoning to increase allowed units from 101 dwelling units to 122 dwelling units with amended development standards on 330 +/- acres. This site is located at the east end of Alameda Road near 122nd Street (northeast corner of Pinnacle Peak Road alignment and 122nd Street alignment, north up to Happy Valley Road alignment). Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**

Chairman Gulino declared a conflict on this item and Vice-Chairman Steinberg chaired the meeting in his absence.

Mr. Curtis made the staff presentation. Highlights of the presentation included Sereno Canyon Floor Plan, Sereno Canyon Request Slide, Sereno Canyon Proposed Conceptual Plan Slide and Items for Consideration. He noted that the Planning Commission is being asked to decide whether the density incentive of 20 lots is appropriate, given the increase of Natural Area Open Space. The stipulations reflect the Transportation Commission's street improvement comments but the cases are not necessarily dependent on one another.

Commissioner Heitel asked about the history and application of the density enhancement bonus. Mr. Hadder explained that the provision has been a part of the ESL ordinance from the outset. To date, only one other case has used the process. It was intended to provide some flexibility. It was also included in the former hillside ordinance. Approximately a dozen cases used that similar provision. The provision was put in the ordinance to try to increase the amount of Natural Area Open Space.

Commissioner Barnett noted that the approval of this item would essentially reduce the building envelope on the lots.

Vice-Chairman Steinberg asked Mr. Curtis whether this kind of upzoning is a trend. He replied that there have been some assemblages. Mr. Curtis added that staff approves the density and the significant amount of open space.

Mr. John Berry of the law firm of Berry & Damore addressed the Commission on behalf of the Applicant. Referring to the 1997 Task Force that worked on the Strategic Plan for a Comprehensive Sonoran Desert Preserve, he noted that the application meets the criteria of the ordinance. The land in question is meaningful open space. The City staff report describes the 330 acres as "dramatic terrain."

Mr. Berry explained that the request is a density incentive as provided under the Environmentally Sensitive Lands Ordinance. Highlights of his presentation included slides of Newly Proposed Lot Plan, Traffic Analysis Graph, Color Aerial/Legend showing routes for emergency vehicles, and Proposed McDowell Sonoran Preserve Area Diagram

Mr. Berry noted that all City Departments have reviewed this request, and all are in support of this application. The Transportation Commission held two hearings in October and November at which the proposed change to Alameda Road was discussed in great depth. In conclusion, this is a density incentive to provide 66 more acres of preserved desert. This was an assemblage of 13 different properties.

Commissioner Heitel asked Mr. Berry about public trail access on the west side. Mr. Berry said that although the community is gated to prevent vehicle access, there will be no gates on the trail. In response to a follow-up question from Commissioner Heitel, Mr. Berry confirmed that there will be a notice on both sides of the trail.

Commissioner Heitel asked whether the plan allows the trail to be laid out away from the paved roadway. Mr. Berry said a pedestrian circulation plan will be submitted with the preliminary plan.

Commissioner Barnett asked whether the end of Alameda Road will be developed into a secondary trailhead going into the open space area. He asked for the history on how the

developer is going to be paying and taking over a road somewhat distant from his property, the Ranch Gate Road connection to 118th Street.

Mr. Berry explained that the Site Plan currently does not anticipate a second trailhead at this location. There is a turnaround area. The City has a well planned out trailhead plan and neighbors would not want vehicles parking at that location.

In response to inquiry by Commissioner Steinke, Mr. Berry reported that the zoning and density to the west of the Crown property is mostly R1-18 zoning.

In response to further inquiry by Commissioner Steinke, Mr. Dave Meinhart of the Transportation Department outlined the Transportation Commission's recommendation to take Alameda Road as a minor collector off the Streets Master Plan through the Crown site over to 128th Street. For that to occur, Crown would be stipulated to complete the Ranch Gate/Happy Valley Road alignment as a two-lane roadway. In addition, the developer must complete the connection on 118th Street up to Jomax Road and also provide the public trail access and emergency vehicular access.

Commissioner Steinke noted that although the Planning Commission is considering the density incentive, there seems to be some sort of endorsement or attachment to the project with regard to transportation, and requested clarification as to how those two pieces fit.

Mr. Berry explained that if the Alameda Road recommendations of the Transportation Commission were not adopted by the City Council, the Applicant would need to change the site plan. He noted that stipulation #1 in the packet requires conformance to the site plan.

Vice-Chairman Steinberg opened the meeting for public commentary.

Mr. Brian Coast of 11930 East Mariposa Grande Drive has been working with neighbors Tim Miller and Steve Kensok and Mr. Berry, Councilman Ecton and City staff to formulate a plan that would be agreeable to everybody. He is in favor of the proposed increase in density.

Mr. Norbert Kleiner of the Desert Crest Community addressed the meeting. The Applicant's representative and associates had purposefully excluded his immediate neighborhood from the outreach. He is opposed to the proposed increase in density, opining that this will benefit the developer at the expense of the public.

Mr. Steven Kensok of 11921 East Sand Hills Road addressed the meeting. He has been actively working with Mr. Coast, Mr. Miller, and the City through most of the summer. He feels that this is a great compromise as some traffic will be diverted to Ranch Gate Road. He is in favor of the proposed increase in density.

Mr. Robert Jackson, project manager for AIS Properties addressed the meeting, representing Sonoran Peak, LLC. The company is not opposed to density increases in practice but would expect similar consideration if they bring a similar proposal for their parcel. The company is opposed to the Alameda Road closure and has made their position known to the Transportation Commission. Sonoran Peak, LLC believes that there are damages that will affect the entire property in a negative manner. He feels that

Crown failed in its community outreach by not attempting to negotiate with his company sooner. He asked the Planning Commission to be specific as to what street cross sections will be built and where they will be placed. This project can be developed through private or public access of Alameda Road and from the east along the Happy Valley Road alignment.

Mr. Steve Weinberg of 29511 North 140th Place addressed the meeting. He owns a couple of properties to the north and east of the proposed road and is fully in favor of the proposed increase in density. The obvious benefit is the immediate road access and the improved access for emergency vehicles.

Mr. Tim Miller of 11933 East Sand Hills Road addressed the meeting. He presented copies of signatures of residents that are in favor of this application. All but one of the residents of Saguaro Canyon and Desert Crest that are immediately affected are in favor. The compromise the neighbors worked out with the City will improve safety and reduce noise. The City benefits by having a road built at the developer's expense and sooner than this would otherwise have occurred. Additional emergency access is an extra, important benefit. He is in favor of the proposed increase in density.

Neighbors asked him to raise the issue of water pressure which might drop when the new development is built and also requested that cell towers be placed prior to the start of construction to avoid battles in future. He acknowledged that these questions were not on the agenda, but wanted to mention these issues.

Mr. Berry thanked the community members who had taken the time to attend the meeting. He remarked that no one had been deliberately excluded from the outreach, despite Mr. Kleiner's remarks. He clarified that the present application does not involve any roadway abandonment. The Applicant has invested a great deal of time and money on this proposal. For the record, he referred to a map showing the location of Mr. Kleiner's home.

In reply to a question by Vice-Chairman Steinberg, Mr. Berry noted the City's required limit of notification of 750 feet. The Applicant sent notices to residents within 1,000 feet of the property.

Mr. Berry explained that the offer, which other consultants had made on behalf of the Applicant and characterized by Mr. Jackson as "take it or leave it," was the following: Mr. Jackson's client will have a two-lane road built to its final and full configuration at no cost to him, adjacent to his property. When the property is subdivided, the developer will be required by law to dedicate the right of way and make those same half-street improvements. Mr. Berry added that he is befuddled and bemused by their concerns.

Referring to Mr. Miller's question concerning water pressure, Mr. Berry stated that the engineers have indicated that the water pressure will actually improve when the Applicant installs a loop system and other infrastructure improvements.

Brief discussion ensued upon inquiry by Vice-Chairman Steinberg regarding the status of public testimony.

COMMISSIONER STEINKE MADE A MOTION TO RECOMMEND APPROVAL OF THE SERENO CANYON 1-ZN-2005 AS PRESENTED WITH STIPULATIONS FOR

FORWARDING TO THE CITY COUNSEL. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT.

Commissioner Heitel said he would probably support this case, but noted that it raises some very concerning aspects for future cases. He is not totally convinced that on-lot meaningful open space is in the spirit of the ESLO ordinance as it was written. This is a question mark in the ordinance and he is not prepared to hold up the developer, who will probably add a positive aspect to development in north Scottsdale. However, down the road he foresees problems. He asked whether, in a future study session, staff could discuss what they might and might not like to do in terms of recommending clarification of ESLO.

Commissioner Hess shared Commissioner Heitel's opinion. He will support this case with the same reluctance.

Commissioner Steinke said opined that this is a good proposal. He wants to make sure that City Council is aware of everything and that stipulations are very clear and spelled out.

Vice-Chairman Steinberg opined that Crown did a good job and that the space will be meaningful because the land is so beautiful. He supports the motion.

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF 5 (FIVE) TO 0 (ZERO).

Chairman Gulino thanked Vice-Chairman Steinberg and resumed chairing the meeting.

4. [19-ZN-2005 \(Sierra Highlands\)](#) request by owner to rezone from Single Family Residential District, Environmentally Sensitive Lands (R1-190 ESL) to Single Family Residential District, Environmentally Sensitive Lands (R1-70 ESL & R1-43 ESL) with amended development standards on a 30.5 +/- acre parcel located at 8500 E Black Mountain Road (Northeast corner Black Mountain Road and 84th Street). Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is Alex Stedman, 480-994-0994.**

Continued to December 14, 2005.

5. [15-ZN-2005 \(Silverstone\)](#) request by owner to rezone from Western Theme Park District (W-P) to Planned Community District (PC) with comparable zoning of Central Business District (C-2), Commercial Office District (C-O), and Multiple Family Residential District (R-5), including amended development standards on 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**
6. [13-UP-2005 \(Silverstone Use Permit\)](#) request by owner for a conditional use permit for a residential health care facility on a portion of the 160 +/- acres located at the southeast corner of Scottsdale Road and Pinnacle Peak Road. Staff contact person is Tim Curtis, 480-312-4210. **Applicant contact person is John Berry, 480-385-2727.**

Mr. Curtis presented the case, highlights of which included slides of Silverstone 160 Acres Context Aerial/Close Aerial, Zoning Map, Silverstone Request Diagram, Building Heights Diagram, Items for Consideration, Planned Roadway Improvements, Timing of Street Improvements Diagram, and Applicant's Presentation. He noted that the 160-acre property was formerly known as Rawhide. Traffic improvements are a key issue. The plan is to improve the surrounding roads with the development. Feedback from the neighborhood has mostly focused on the concern that retail development not take place on this part of Scottsdale Road until it and Pinnacle Peak are built to full capacity.

In response to inquiry by Vice-Chairman Steinberg, Mr. Curtis noted that a stipulation requiring removal of the billboard is included.

Mr. Berry addressed the meeting on behalf of the Applicant, introducing the development team. Highlights of Mr. Berry's presentation included a review of current land uses in the area with permitted heights and densities and an overview of the history of the current development. Neighborhood feedback and reaction to the original plan expressed concern about traffic and lack of open space. The revised plan incorporates wholesale changes with a focus on open space and with Rawhide Wash as the centerpiece of the development to be open to the public

In an effort to reduce traffic to the development, the new plan has greatly reduced retail and office space. The residential density was reduced by 20 percent and the request for additional height above that permitted by the ordinance, except for the Senior Living Component, has been eliminated. This development will have underground parking, creating more open space.

Vice-Chairman Steinberg asked the Applicant whether they had considered that the traffic to and from the Senior Living Component would not compete with peak hour traffic patterns. Mr. Berry said that the traffic engineers had taken that into account when generating the traffic numbers for the site.

In answer to questions from Vice-Chairman Steinberg, Mr. Berry reported that the completion of the expansion of Scottsdale Road should occur by 2010. The residential component of the project will be the first phase completed.

In response to inquiry by Vice-Chairman Steinberg regarding the need for a firehouse, Mr. Curtis reported that the Fire Department feels the need to reserve space for a fire station.

In response to inquiry by Commissioner Steinke regarding the projected timelines, Mr. Berry explained that Pinnacle Peak Road from Scottsdale Road to Pima is scheduled to be done in 2008. Miller Road is under construction currently. Williams will be improved as part of the first phase of development.

Mr. Bob Vairo addressed the meeting on behalf of the Coalition of Pinnacle Peak. The Coalition is in favor of the application. Main concerns have been traffic, density, building height and whether the project would fit into the context of the neighborhood. The Applicant has been responsive to the Coalition's concerns. The Coalition supports the applications.

Mr. Marvin Richman of 8132 East Via de Luna addressed the meeting. He is a developer who is in favor of appropriate development. The current plan is now vastly improved. The developer has listened responsively to community concerns. He noted that an estimated 2,900 people will be living on 97 acres and this density is perhaps more suited to a downtown urban area. The development team has demonstrated that they can accomplish the densities that they need to make this project successful with buildings that are one or two storeys high. If the project can be achieved with a building height of 24 feet, aside from the Senior Living Component, it is unclear why the application is for building heights of 36 feet for the residential component.

Mr. Kenneth Steuer, who lives northeast of the property, addressed the meeting. He stressed concerns that the City had turned their back on this area. He perceives that a rural community is now being injected with an urban configuration. Had the community not spoken out about the original plan, they would be looking at a very unsuitable project. He believes an opportunity exists to reduce the number of residences.

Mr. Andrew Mutch of 23605 North 80th Way addressed the meeting. He is on the Board of the HOA for Desierto Vida. Residents want to ensure that the development is appropriate. The plan shown today is very good for the most part. Residents are in favor of the municipal facilities, the parklands and support the assisted living facility. However, they believe some refinements are needed. Residents would like building height limited to 36 feet and zoning to be amended to C1-R5 instead of C2-R5. They also believe the current plan will lead to traffic congestion and long delays at the intersection of Pinnacle Peak and Scottsdale Road. They would like the roads to be built to achieve average service in the area. If the roads cannot be planned and built to that level, the development should be scaled back. Mr. Mutch opined that this is more of a road planning issue than a Silverstone issue.

Chairman Gulino noted that Patsy Davidson had completed a card in favor of the application, but had left the meeting.

Mr. Leonard W. Huck of 7501 East Thompson Peak Parkway spoke. He is the retired President of Valley National Bank and was Chairman of the Chamber of Commerce. His life has revolved around a commitment to Scottsdale and he is in favor of the application. He is now living in the Classic Residence which has reinvented active senior housing. Assisted living is a community amenity.

Ms. Judy Weller, a 35-year resident, addressed the meeting. She expressed appreciation to the developer for the commendable job performed in terms of informing the neighbors and being reactive to neighborhood needs and concerns. She is in favor of the application.

Chairman Gulino closed public testimony, noting four cards from non-speakers, all in favor of the application.

Mr. Berry thanked Mr. Vairo and the Coalition of Pinnacle Peak for their efforts, which had improved the project.

Commenting that traffic and building height were areas of concern to the speakers, Mr. Berry discussed grade differentials on the site, stressing that the assisted living center needs to be higher than other buildings because of its function. He noted that Ms.

Weller, who lives closest to Silverstone, does not have a concern with the building heights.

Mr. Berry addressed expressed traffic concerns and clarified that the level of service D is, in fact, the standard for intersection traffic applied in the City.

Chairman Gulino asked Traffic staff about the current performance of the intersections under discussion.

Mr. Phil Kercher noted that Mr. Berry had explained the situation well. Due to the number of lanes, there is not a great deal of capacity at the intersection of Pinnacle Peak and Scottsdale Road. The level of service is not as good. With the planned improvements, the additional capacity will give room to handle the traffic in the future.

In response to inquiry by Chairman Gulino, Mr. Kercher noted that traffic engineers routinely consider peak hours in traffic counts.

Chairman Gulino asked whether it would be fair to compare this intersection with the intersection of Indian Bend and Scottsdale Road. Mr. Kercher said this is probably a fair comparison. The Indian Bend intersection was recently improved and now handles significantly more traffic. He estimated that it is also at a D level of service.

Chairman Gulino asked whether when the development and the road improvements are completed, the level of service at the intersection of Scottsdale Road and Pinnacle Peak will stay essentially about the same. Mr. Kercher agreed that that is a fair assessment.

Chairman Gulino asked how many exit points are stipulated in the Silverstone application. Ingress and egress are important considerations. Mr. Kercher replied that there are additional driveways on all four sides of Silverstone, some of which align with median breaks, while others will be right turn only in and out. The staff is comfortable with the ability to handle the traffic volumes generated by the projects and the improvements that can realistically be put in place. Staff had a concern about the major driveway on Scottsdale Road with earlier site plans.

Mr. Kercher summarized that with the first phase of the project, the developer will plan to complete Williams Road and Miller Road to their four-lane cross sections, add the signal lights at Scottsdale Road and Williams and Miller and Williams and complete Pinnacle Peak to four lanes from Scottsdale Road to Miller Road before a certificate of occupancy will be granted.

The City has a capital project to complete Pinnacle Peak to Pima Road as a four-lane road by 2008. Scottsdale Road would be completed to six lanes by 2010 by the City. In reply to a question from Chairman Gulino, Mr. Kercher confirmed that those projects have been funded.

Chairman Gulino asked whether the 4-1/2 acres set aside for the library and fire station would be big enough to create a mini-town center. Mr. Berry answered that the developer has agreed to provide 4-1/2 acres to the City, and are hoping that some of the land will be used for a library, which will be an amenity to the community. The City will have to decide how it will be used.

Chairman Gulino commented that there is nothing in the packet that directs DRB consideration. He noted that pedestrian circulation, the park, the Rawhide Wash and associated questions, and vehicular circulation are items that the DRB should closely consider as the project moves forward.

Mr. Berry explained that with a planned community district such as Silverstone, there is a requirement for a master environmental design concept plan. This plan will go to the DRB. A pedestrian plan and a drainage plan are stipulated to be provided to the Development Review Board.

Vice-Chairman Steinberg asked how the development to the west on Paradise Ridge will affect the level of service in Scottsdale. Mr. Berry replied that the TIMA Report took into account all development in the area.

Commissioner Barnett noted that the Planning Commission rarely sees a project that comes through with little resistance. The development team has done an outstanding job. He appreciates their work with local Scottsdale firms to assist in the process.

Commissioner Heitel noted the tremendous amount of cooperation through the process. The development team cooperated with City staff and the Coalition of Pinnacle Peak. Clearly this is going to be a remarkable project.

Commissioner Hess added that the Planning Department deserves a compliment as well. The staff have shown cooperation and imagination in moving this forward, and this is worthy of note.

Vice-Chairman Steinberg concurred. This has been an opportunity to work with a wonderful team of quality developers who is truly giving back to the community with an exemplary mixed-use project. The one percent dedication to public art is over and above what is required and he would like to see that as a standard for future developments. He expects that this project will be admired as being on the level of DC Ranch.

Commissioner Steinke commented that Rawhide was a defining location for Scottsdale. This project at this gateway to the community is going to be another fine representation of what defines Scottsdale.

COMMISSIONER STEINKE MADE A MOTION TO RECOMMEND APPROVAL OF 15-ZN-2005 AND 13-UP-2005 WITH THE NOTE THAT THE FINDINGS REQUIRED BY THE ORDINANCE HAVE BEEN MET FOR BOTH THE PLANNED COMMUNITY DISTRICT REZONING AND THE USE PERMIT HAVE BEEN MET. COMMISSIONER BARNETT SECONDED THIS MOTION, WHICH WAS CARRIED UNANIMOUSLY BY A VOTE OF 6 (SIX) TO 0 (ZERO).

8. 88-DR-2005 (ASU-Scottsdale Center for New Technology and Innovation) request by owner under the provisions of zoning case number 26-ZN-2004 (ASUF Scottsdale), any free-standing ornamental monument in excess of 60 feet may be approved by the City Council; after receiving a recommendation from the Planning Commission and Development Review Board. The applicant is proposing a freestanding ornamental monument in excess of 60 feet, to be located along the

main east west Boulevard at the Plaza. Staff contact person is Mac Cummins, 480-312-7059. **Applicant contact person is Lusía Galav, 480-312-2506.**

[BEGIN VERBATIM RECORD]

CHAIRMAN GULINO: Let's reconvene, please. Thank you. And I'd just like to reiterate a couple of comments that I made in our Study Session tonight. And that is, I think this is a pretty notorious case, and remind everybody that we are here to discuss the issue of the height of the ornamental monument (Maybe we can get the definition of ornamental monument tonight, that would help) and above the 60-foot allowable height of the Center. All right, we're not going to talk about the buildings and we're not going to talk about the site plan. We are here to talk about the height of the ornamental monument above 60 feet only, all right?

MR. ED GAWF: Thank you, Chairman, members of the Planning Commission. Tonight we are looking at the ASU-Scottsdale site. Let me just go quickly through this. I know that just last summer I was here, and we were here with the zoning request, and at that time we zoned it planned community. (refers to Zoning Slide)

And that provided for a variety of uses, amended development standards, but if you look at the last point, it provided for zoning approval requiring the Planning Commission to review and make a recommendation on any -- on the height of SkySong, basically -- any ornamental feature that extends above the allowed height. In this case the allowed height under the PC zoning for ASU-Scottsdale is 60 feet.

And if you look at this graphic, (refers to Analysis Slide) the 60 feet is to the top of the building, and that's how we measure height, which is where this arrow's pointing. We also allow for a certain percentage of the rooftop, mechanical equipment, to extend an additional 15 feet. So that would be this point here. So at this point, the building is 75 feet. And that gives you a perspective of SkySong as it relates to the adjacent buildings. And the request is for SkySong to go up to 110 feet. That would be the poles. The fabric material would range up to approximately 85, 90 feet, in that range.

So you can see the cross-section here, you can see the SkySong feature there, and this does reflect a change that they've made since the DRB hearing. The DRB hearing which was approximately two weeks ago, DRB recommended approval, but they had a series of conditions that they conditioned their approval on. Most of those apply to the design and I won't talk about those tonight, because that's not the subject of tonight's hearing, but item 4 and indirectly item 6 do apply. And that is, the DRB indicated support for SkySong and recommended basically moving SkySong from the linear street approach that was shown in their proposal to covering the intersection and the plazas at that intersection. I'll show it in just a second.

This I think shows you the original proposal the DRB saw, and it would be duplicated. It was intended to be duplicated on the other side, on the west side of the intersection as well, so when the buildings to the west were constructed, a SkySong similar to the one shown here would be built covering the street way at that point. Part of the DRB's recommendation said rather than shading the street, sidewalk and a lot of parked cars, why don't you move that to the intersection and really cover, and if you remember the location of the small plazas at each corner of that intersection.

So there are individual plazas and the Applicant, I think, will show this in a little more detail, but there are four plazas at these four locations. That's the notch, if you will, of the buildings. And have SkySong that actually shades that area, where people would be sitting, recreating, drinking coffee, reading the newspaper, et cetera. That also allows for the shade trees that would be along the boulevards in these locations to be indigenous native trees of Arizona that could provide shading. And given the shade factor of the SkySong, it was limiting the tree selections that was allowable along that corridor. In this drawing, this reflects the first phase development, the two buildings are shown in blue here with the commercial shown in red here. So again, this would be an integral part of the first phase development. By shifting it there, we believe it does accomplish several positive points. The tree canopies that I mentioned is one, and I will go through some of the others. Because you may recall that there is a requirement that in order to go above that 60 feet, it must meet certain criteria. And there are five criteria that you have in the staff report, and I'll go over those briefly. But basically, what we're talking about is not habitable space. You cannot have an elevator that goes up above 60 feet, other than the mechanical equipment. You can't have conditioned space, if you will. These are intended to be ornamental features that identify the project itself in some particular way. Frank Lloyd Wright's spire is one example of it, and I think this would be a second. So the first criteria is "amended height for SkySong shall be based on the context and character of the site and surrounding area." And clearly the 60-foot high buildings with mechanical equipment provide a certain context. In fact, one of the comments that I have heard is that the SkySong element should be even taller than the 110 feet proposed, because of the height of the existing buildings. But the idea was to get a height that was above the buildings so you could really see that as the central point. And I think that's one of the advantages, actually, of moving it to the intersection. And I'll talk about that in a second. The natural extension of the buildings but it'll also, and I think, very importantly, be located internally within the project. And it's one which will identify the project but will not obscure views from surrounding properties. And if you can visualize that location, standing on 74th or McDowell or Scottsdale Road, or even Bellevue to the south, this will not obscure any of those views. But they will be visible from those streets, and that's a very important consideration.

The second point needs to take into account the history, if possible, but also the location within the desert. And I think the concept of shading, providing the shade structure in the desert. As someone who arrived for the first time in the middle of the summer when it was 115 degrees, I think that's a very important concept. Clearly we've tried to do that in the downtown area as well with our arcades and various shade structures that we have here. The other part of that is it allows for desert landscaping to occur along the boulevard as well, as I mentioned earlier. And it's also being constructed of a material that will withstand our desert environment, our harsh summer environment.

Third, SkySong shall be designed so as to provide a focal point, and I think this is where it works very well. If you can visualize the cross section, the two streets, the boulevard and the north-south street, putting SkySong at the middle of that intersection shading the various plazas, it also opens it up to view from McDowell, as well as Scottsdale Road. And as Commissioner Steinberg may remember, when it was just along the street, the only view really was off of Scottsdale Road and not off of McDowell. So I think that enhances that potential.

The fourth one that needs to be considered a community amenity and add to the City's quality of life. And I think clearly it's a unique architectural structure. It will be something

that will be a signature element to the project. But it's also one, as I talk to various groups in the area, it's interesting, one of the groups I talked to was Hacienda de los Arcos, which is the senior housing on the east side of the Methodist church on Culver. And they were very excited about the concept and about the project, first-floor retail in the little plazas. But they really appreciated the shading aspect of it, and I think that will provide for the City's quality of life and help us meet that particular goal.

The fifth one is SkySong shall be accessible by pedestrians and not isolated in site design. And I think both locations did this. But it is interesting that by locating it in the center area and over the plazas, it does provide a scale to those plazas, an enclosure, if you will. The walls are there with the buildings themselves, but now you have an enclosure, if you will. It also allows for modification of some of the landscape elements. If you remember, I'm not sure if it was part of the zoning or not, we showed this, but there were proposed to be palm trees at each of the plazas. It was intended to give a vertical element, because there was no other sort of relationship being created with the walls at the four buildings. And so that element can be removed with this, and I think you get a much smaller scale, more pedestrian scale orientation to the plazas themselves. And as I said, it also allows for a more extensive range of shade trees along the boulevard. And in both locations, SkySong will be accessible by the pedestrians.

CHAIRMAN GULINO: I just want to make sure I understand this. Are these the five criteria that were referred to at the beginning of your presentation?

MR. GAWF: Yes. Those are the five, and here they are in summary fashion. What I did was take each of the five, show how I believe they've been met (refers to Recommend Approval to SkySong slide) and now this slide shows the summary of the criteria themselves and we would recommend approval to City Council of SkySong in the height between 60 feet and 110 feet. With that I'd be happy to answer any questions or turn it over to the Applicant's presentation.

CHAIRMAN GULINO: All right. Thank you. If the Commissioners have any burning questions? Can we turn it over to the Applicant, is that all right?

MR. THOMAS SAMUELS: Good evening. I'm Thomas Samuels. I'm executive vice president of Higgins Development Partners. I'm here representing Higgins Development Partners and Plaza Companies. We are the developers of the site. I will not take very much of your time. It's late. I think Ed did a great job of reviewing this. I will simply tell you that we listened to what the Development Review Board recommended, we thought good points were raised, and we thought moving SkySong to the central plaza was a good idea. And that's why it's been moved. And for all of the reasons that Ed went through.

This is simply to show you where it is. Ed has already done that, I won't repeat what he had to say. (refers to Color Diagrams SkySong Element)

This shows the relationship of the three major outdoor elements around this central square. (second Color Diagram SkySong in relation to the Buildings Slide) That central square is now where this SkySong element will go.

This is what that central square looks like. You see the four plazas or areas that Ed made reference to. You see SkySong in the relationship to the buildings.

This gives you a sense of what these places will be like with SkySong over them. There are water walls, et cetera. These are the kind of spaces that are created. This is the company that we've been talking to about executing this, just to give you a sense of the places that they make. (A Sense of Place Photos)

This is what it will feel like as it comes down to the ground and people, pedestrians, pass underneath it. (photo)

And here you see SkySong both in context of the central square there, and you see what the height of the structure and the height of the fabric would be. (refers to two Color Diagrams showing SkySong Height)

This is just a greater detail. The plaza's about 220 feet or so wide and so the height that we're asking for is a little less than half the width of the plaza. (Extent of Plaza--width/height Diagram Slide)

Here it is in context. You see that it is at once a focal point to the project, but it really isn't obtrusive outside of the general environs of the project itself. (Section Through boulevard Slide)

I would be more than happy to answer any questions. As I said, I think Ed did a good job and I wouldn't want to take more of your time than necessary.

CHAIRMAN GULINO: All right. Thank you very much. Any questions? No? All right, then, comments? Public testimony. We will start off with Will Bruder, followed by Darlene Peterson.

MR. WILL BRUDER: Mr. Chairman, my name is Will Bruder, 3707 North Marshall Way, Unit Number 1.

I am very pleased to see the evolution since Design Review and earlier public meetings. I think that the placement of SkySong over the central plaza truly makes it a destination place. I agree with all the comments that were earlier made. I'm very happy that the Applicant responded to those. I think the evolution is beyond my expectations, quite frankly. There's a clarity with SkySong at that point that was not there when it became the linear element that the buildings, which I know are going to be worked on further based on other comments, really set up a new sense of quality thing. It's really quite profound and I'm very happy to see it. I have no problem with the scale of it. I think it starts to really sing a song that's going to be very relevant to that neighborhood, and its visibility from Scottsdale Road as well as McDowell now bodes well for the entire project. thank you.

CHAIRMAN GULINO: All right. Thank you. Darlene Peterson.

MS. DARLENE PETERSON: Darlene Peterson. Chairman Gulino and members of the Planning Commission, I've lived within a fourth of a mile from Los Arcos for 47 years and I consider myself a watchdog.

At the last meeting of this, the Applicants very rudely left the building while the citizens spoke. And I'm sure that they watched it afterwards, maybe. But the main concern I felt was not necessarily SkySong, but the boring buildings that were being shown (refers to black and white Copy of Building Illustrations Slide). If you asked anybody, they said, "Well, it's a parking garage. No, it's a prison. No, It's a hospital. No, it's an office building. Oh, okay, it's an office building." In a way, I'm sorry that they have moved all of the SkySong because if they take that away from the center also, you're going to have two boring big box rectangle buildings that are sitting there.

My real concern is if the City okays this, I'd like to have Mr. Gawf tell us that the developer will not come back and say "Oh, we have this 100-foot structure here," even though it's an art piece, that they'll come back and say "The next building we want 100 feet." This was zoned for 36 feet and now they've gone up higher. And the people who fought against Wal-Mart did not want big box building. I want to be reassured that you put a stipulation, and I want the City Council to also that no buildings will go higher than what they are now. Thank you.

CHAIRMAN GULINO: Thank you, Ms. Peterson. Lyle Wurtz.

MR. LYLE WURTZ: Lyle Wurtz. I've lived in the area for 40 years, same house. Welcome to Disneyland. Are we going to take down the Motor Mile banner signs and say "Disneyland is here"? When we put up this kind of garbage, and I'm going to be very blunt tonight, because I am annoyed as you can't even imagine. City staff, I never hear one comment about the negatives. Los Arcos was a scam against the public to start. It's going to turn out to be nothing but taxpayer subsidized commercial buildings. And that's what you're going to see down there. The taxpayers are putting up a lot of money down there and I feel that Dr. Vulture and his band of crows don't really care about south Scottsdale. It's just a matter of "Let's build more Phoenix downtown et cetera, let's keep going." And it's not going to be a cultural center. People who are fooled into being misled into thinking this is going to be a cultural center, but I've seen none --

CHAIRMAN GULINO: Mr. Wurtz, we're here to talk about the height of SkySong, not the overall project. Could you please limit your comments to the --

MR. WURTZ: Okay. I didn't hear any comments regarding some of the other speakers, the good old boys that get to speak at these meetings. And when I come to these meetings and I say we're in Iraq, fighting for their democracy in the Kiva. I mean, how different are we? Anyway, why would we have a 100-foot height when up north they scream at 36 feet? And you will allow that. They'll have 36 feet. We're going to have 100 feet. We're going to have, for a century this garbage is going to be standing out with awnings degrading the area you pretend that you're doing something for south Scottsdale. I have seen nothing on McDowell that has helped: more traffic, more automobiles hung up in the air. So my point: Let's quit treating us like a bunch of hicks in south Scottsdale. Let's not keep making it Slumsdale. That's what we did because the City pushed and pushed and pushed to put any objectionable piece of garbage into the area because the northern end didn't want it. So -- and unfortunately we're not unified enough down there to fight City Hall -- and if people don't wake up in our area, they're going to be really Slumsdale.

CHAIRMAN GULINO: All right. Thank you. Mr. Shepard is our last speaker.

MR. DEAN SHEPPARD: Mr. Chairman, members of the Planning Commission: My name is Dean Sheppard. I represent the Scottsdale Area Chamber of Commerce as the Director of Economic Development.

On a slightly more positive note, the Chamber and its Board, as I'm sure you're aware, have been staunch supporters of the ASU-Scottsdale Center from its inception. The proper use of the old Los Arcos site will be a catalyst for revitalization of the entire area, as we've seen with Lowe's going in, as well as the Senior Center being developed and will prove a fantastic amenity to the City.

The SkySong design element demonstrates that within the serious work being done inside the walls of the Center, there can also be an outside element that can stand as a striking metaphor for that work. SkySong reaches for the stars, just as the research and business of the Center seeks to do.

Providing shade and a sense of real presence, the SkySong element will also provide a landmark for southern Scottsdale, just as the Frank Lloyd Wright spire has done for the Air Park area in the north. It will say, "You have arrived in Scottsdale, where innovation, new ideas, and art merge to form a great community." On behalf of the Chamber, I urge the Commission to approve this important design feature for the newest and brightest star in Scottsdale's future. Thank you for your time and attention.

CHAIRMAN GULINO: All right, thank you, Mr. Sheppard. We'll now close public testimony. I had one card here from Patty Badenoch. She did not care to speak and she is opposed to the request.

MR. GAWF: Mr. Chairman, if I could just make a couple of responses, because there was at least one question directed towards me. But just very quickly, I think Mr. Bruder's comment about moving it over, the new placement being a better solution, I think we do as well. I think it starts to really focus this particular item.

Darlene Peterson commented about the concerns that the developer will come back and ask for greater height than 60 feet. I can't ever predict what someone will do in the future, but I can say that we have strong safeguards in this particular site. We have a lease that states that the building is 60 feet. And we have a zoning that you approved PCD last summer that says it's going to be 60 feet, the habitable space. So I think we really are just looking at the ornamental monument or feature being 60 feet up to a maximum of 110 feet.

CHAIRMAN GULINO: Mr. Gawf, just to clarify that, to make sure that I understand it, in that what you've just told us that this property is entitled to a maximum building height of 60 feet, period?

MR. GAWF: That's correct.

CHAIRMAN GULINO: There's a redundancy to that in the lease that says the City will not allow the Foundation to build buildings over 60 feet as well?

MR. GAWF: Yes.

CHAIRMAN GULINO: And on top of that, if I understand my packet correctly, the only way you can do anything over 60 feet, in which case, not buildings but ornamental monuments, is by going back through the public hearing process, which includes a DR recommendation, a Planning Commission recommendation to the City Council, and ultimately City Council approval. Is that correct?

MR. GAWF: That's correct. And let me make sure it's clear that 60 feet is to the top of the building. We do allow mechanical equipment above that up to 15 feet, which is our standard height definition. But the real concern was that the sort of the nose, the camel under the tent or whatever the saying is -- obviously I can't remember -- but sort of creeping height expansion. And that is not the intent. It really is to provide an iconic signature, if you will, for this particular project. And again, I think by putting it in the center of the intersection in that area, you do pick up the McDowell view as well as the Scottsdale view. And I think that's an improvement.

Finally, Mr. Wurtz talked about, do we ever talk about negatives? And as you know from prior presentations, we clearly do. In this case, one of the things that I look for and one of the things that we really want to determine on any height exception if you will, is blocking views. And we looked around on this site. We went out to the site. We tried to anticipate how this would block views. In our opinion, it does not. And so we believe that's not a negative. In fact, we think the relocation of this is a positive.

CHAIRMAN GULINO: All right, Thanks, Mr. Gawf. questions? Commissioner Heitel.

COMMISSIONER HEITEL: This is sort of being represented as the central sort of architectural feature of the project, if you will, to what some have argued they're fairly mundane buildings or whatever. And I'll leave that decision to other people. But are there substantial assurances that if it moves past here with a recommendation, that the spirit and intent of the quality of what is being proposed here as the central architectural feature is going to get built? That it won't come back and say "Well, we can't afford this expensive material. We're going to do canvas."

MR. GAWF: Mr. Heitel, that's a very good question. I meant to say that in my comments. One of the stipulations of the larger DRB City Council project is that SkySong has to be built. If it's not, then you have to come back and talk about what other options you're going to have. So SkySong as now revised is the central component to this project and if it's not -- and it will be done, but if for some reason it's not, then I think we're looking at a new look at it, if you will.

COMMISSIONER HEITEL: Okay. Thanks.

CHAIRMAN GULINO: Thank you. Any further comments? No?

Okay, I've just got a couple of quick comments here and that is, just going back to the criteria. Essentially it looks like we've got five items to consider here. One is context and character to the site. Take into account Scottsdale's history and location within the Sonoran environment. Provide a focal point. A community amenity and add to the quality of life, the City's quality of life, and then it has to be accessible by pedestrians and not isolated. Do I have that correct?

MR. GAWF: Yes, I believe you do. That was the five major points. And again, it's summarized on the last page with the staff recommendation. That includes our summary of how these five points are met.

CHAIRMAN GULINO: Okay. My comment, I guess then would be, on point number 1, context, I don't see anything that gives me heartburn, that would make me think this isn't with context, although that's a matter of opinion. I don't see how it relates to Scottsdale's history. I mean, obviously any kind of shade structure has obviously relevance to the Sonoran Desert. It definitely is a focal point. There's no doubt about that, in my opinion. Community amenity, I can see where it has a potential for that. City's quality of life, again, I don't quite know how I would judge that. I certainly wouldn't dispute it. And then it certainly is accessible to pedestrians. I'm not a big fan of what's been shown on the sketches. But I certainly will support the request for the additional height. I'd just encourage between the Applicant, the City Council, that take into consideration the DR Board's comments, which obviously you indicated you're going to do that. And I guess, just be careful as to what you end up with, and that we do have something that we can be proud of at the end. Okay, so obviously I'll be supporting the request. And Vice-Chairman Steinberg has some comments as well.

VICE-CHAIRMAN STEINBERG: I know that we have to focus tonight on the height issue, but I just want to comment that I've been involved in this project with Ed, with Steve, since the inception, way back to the ad hoc advisory committee, and I've seen it evolve from a Mediterranean concept to a more contemporary concept. And I feel very strongly that we have to move this along in a very expeditious manner, but not lose sight of the quality of the architecture, because this is a project that has the ability to succeed greatly if we move it along. If we stall, the knowledge workers and the aspiring scientists and researchers and developers will be quartered elsewhere. Google will go elsewhere. Other companies will go elsewhere. We can't stymie this process any further.

I'm not a hundred percent endorsing everything I see, but I'm applauding the developer for listening, to listening very seriously at the DRB and taking comments that I think were very apropos -- Mr. O'Neill was here as well as I -- taking them to heart and having Scottsdale's interests at heart. I applaud them for doing that. And I think they're making a very aggressive attempt at trying to allay any fears the public may have that this will not be an exemplary project, which it deserves to be.

That being said, I know our jurisdiction tonight is on the height. So we need to focus on that most appropriately. We can't be schizophrenic any longer. We've approved this from a zoning point of view. We can't vacillate and go back and forth. We have to look at the height and move this forward. I promise my fellow Commissioners as a representative purposely sent to represent the Planning Commission in design meetings, meetings with the developers, and I've had lots of meetings with the developers, at my volition and at my desire.

I promise my fellow Commissioners that I will really watch this project's development and implementation and refinement, because I know it needs work, but all projects in the schematic phase -- which it's in -- need work and need refinement, so that's a normal thing that will occur. It will only get better in time, and I will monitor and watch it to the best of my ability, representing this Commission. I take that very seriously, because I want something of great quality here as well.

The only thing I wanted to raise to Mr. Gawf concerning the plaza, and I think you called it, Ed, appropriately, when you said the intersection. It really is an intersection and what it does, to me personally is, we don't have a central gathering place. We don't have a central plaza that's pedestrian oriented, free of vehicular conflicts. We have four small little parks. I would much rather, I don't know if we can do it, I would like you to endorse or say we can or maybe the developers would like to study it and throw it out, but I would like to create one real central plaza gathering space, free of cars, free of an intersection and conflicts, somewhere on this site, to be developed and determined by the developers, which will incorporate SkySong in a manner that they see fit to the heights that we're going to approve tonight, hopefully. And I will endorse the heights as presented. But I think we need to look at a central gathering spot which will be an icon for the project, which will be completed in Phase 1, and will truly be a sense of place, a sense of spirit, a sense of gathering for all those that go, as opposed to having four little parks. So that's just something I'd like to see, if we can move along in some fashion.

But I want to allay the fears of my fellow Commissioners on the architecture. It will improve. They're making every attempt to make it improve with the use of materials that are warm, that are reflective of this technology park, that don't have high reflectivity. It won't be plain and mundane. And I will look over their shoulders and annoy the heck out of them until December 13th. I promise that.

CHAIRMAN GULINO: Commissioner Barnett. Have you got some comments?

COMMISSIONER BARNETT: I'll just make one quick comment. Sometimes I feel like I am completely out of whack with everybody else, but I think you need to make your thing bigger. It's not nearly big enough now that it's a dominant intersection feature. And I know that we're only talking about 110 feet for this specific issue, but I wish it was bigger. I wish you could see it from other parts of the City. I wish it would dominate over some of the other buildings, so I think I'm about as "yes" as you can probably get on it, but I'm just one vote, so. I personally like the way that you've shifted it to the center of the project. I think it's a much better way to go. When it was in between the buildings I think it got lost, so I like the way you brought it back to the intersection and just make it a dominant feature, personally. So I'm a pretty solid "yes," I would say.

CHAIRMAN GULINO: And Mr. Barnett brings up a good point: Are we approving specifically the height up to 110 feet?

MR. GAWF: Chairman, yes, that's the recommendation in front of you is up to 110 feet. If you think there should be more flexibility in height, clearly, you're making a recommendation to the City Council. The Frank Lloyd Wright spire is, I believe, 125 feet, to give you a sense of scale.

CHAIRMAN GULINO: Right, so they can, with 110 feet. So we've got a ceiling at 110, whether it's just poles up to that elevation or they bring the fabric up a little higher, it gives them that kind of flexibility.

MR. GAWF: Taking Commissioner Barnett's comment, if you'd like to provide the Applicant some additional flexibility, that's really -- you're making a recommendation to the City Council and so the recommendation can take any form you want in that regard, including the height of the structure.

CHAIRMAN GULINO: Okay, well, I don't want to complicate the issue. If the Commissioners want to make a comment relative to where they stand versus the 110 feet, so that City Council understands, that's fine, but --

COMMISSIONER BARNETT: Mr. Chairman, can I actually ask the developer: Do you guys have any interest at all in other heights? I mean this is, we end up with a certain height and we get stuck on a certain height. And with buildings, I completely agree, being stuck at 60 feet. But for something like this, is that something you need? Something you want?

MR. SAMUELS: Commissioner, thank you for those comments. You are not the first person to raise the issue of it is really tall enough? Well, we're fairly confident in the design as it stands right now. We've heard these comments. We are, as I said before, we're quite willing to listen to what people have to say. We would be happy to study that and if the Planning Commission feels that that would be appropriate, we would like to have more flexibility as we go forward, and so I would recommend approving perhaps 125 feet, or something to leave us that flexibility as we move forward.

COMMISSIONER BARNETT: Okay. Well, I'm a fan of that, so let everybody else talk about it. It seems to me that it makes sense to, if we've got 125 feet on the Frank Lloyd Wright spire in north Scottsdale, the reason why we built it that high was to get some visibility from some other areas, so I'd personally like some other comments from the people up here, but I would be supportive of 125 feet for you.

CHAIRMAN GULINO: In the spirit of trying to keep this from getting out of control, why don't we just run down the line of Commissioners and let them comment on this concept of the height. Mr. Gawf, you look like you're champing at the bit.

MR. GAWF: Just maybe a suggestion that might help us a little bit, because the discussion here before has always been 110 feet. That is what people have heard. And if you think there needs to be additional flexibility you might recommend approval at 110 feet with consideration of additional height at if necessary for design purposes, that would come back to the Planning Commission and Council for that increment only. But maintaining the 110, unless there was justification or reason to go above that height.

CHAIRMAN GULINO: All right, great. Mr. Hess, do you have any comments, anything you want to add to this discussion?

COMMISSIONER HESS: First, I appreciate what Vice-Chairman Steinberg said. I have a great deal of confidence in his desire and his ability to chase this down and pursue it. I think the DRB treated the developer and the architect with extreme sensitivity and kindness, given what we saw in their original proposal. And I hope that they will take to heart what was suggested, at the very least. I don't have a problem with increased flexibility on the height. And I hope this project will go forward with a great deal more sensitivity than has been demonstrated so far, at least in the architecture. I'd rather restrain my comments.

CHAIRMAN GULINO: Okay, great, thanks. Mr. Heitel?

COMMISSIONER HEITEL: On the height issue, I don't care. City Council has wanted to be the ultimate DR spokesperson in this. So I'm inclined to let them be the DR Board and do what they want with this thing. If the rest of the Commission here thinks given more flexibility and leaving that ultimate decision on height because our wrists are handcuffed to only discuss the height of a particular steel pole, I don't have any problem with that. I mean, leave it up to the people that really want it, and that's the City Council. You know, I'll leave discussions of one man's innovative buildings is another man's Scottsdale Slumsdale or whatever, so I'm going to leave that discussion up to those that are the learned architects of the world.

But I am gratified to see the likes of Will Bruder coming with comments that are much more positive than were made at the DR hearing. And I want to particularly give a little bit of kudos to the DR representatives, who don't get a lot of it, for putting a little bit of pressure on. Frankly, well-meaning criticism, when taken receptively, can be very productive. I see one of the DR members here and I think that has clearly benefited the project to date. I hope the City Council and our representative take that forward and make this truly something that everybody's going to be proud of. So I'm willing to give anybody as much flexibility as they want.

CHAIRMAN GULINO: All right. Mr. Steinberg?

VICE CHAIRMAN STEINBERG: I'm assuming the height is not an issue concerning the Apache helicopters going to and from Osborn Trauma Center Level One?

MR. GAWF: They are not. That is not an issue.

VICE-CHAIRMAN STEINBERG: I think the height should relate to where it is located. If it's indeed going to be located where it's at, I don't have a concern if it goes up a little bit more. I just want it to be sensitively sited and serve a purpose, and I'm more interested in the creation of a gathering space which would be truly used by everybody, public and private. But my comments were said before. I support this project. I want to move it forward. I don't want to give any misdirection to the developers, who have been very accommodating. We need to get going.

CHAIRMAN GULINO: Thank you, Mr. Steinberg. Mr. Barnett, I think we know where you stand. Do you have anything to add?

COMMISSIONER BARNETT: Just move forward.

CHAIRMAN GULINO: Okay. Mr. Steinke, anything to add?

COMMISSIONER STEINKE: I would just add I applaud the move to the center court. And I know, obviously that this piece is cornerstone to the development of the rest of that property, otherwise we wouldn't be looking at it in the context of the other buildings, so it has to have a lot of context around that. A question: was the original, when it was linear, was it 110 feet then?

MR. GAWF: Yes, the original proposal that was linear was up to 110 feet.

COMMISSIONER STEINKE: Okay. Well, I personally don't have a problem with staying at 110 feet, because if we were linear, we wouldn't be above that and if you're at

central, apparently there was some latitude within that to begin with, to get us to that number. People who design these things know what numbers they need, so I don't have a problem in going 15 feet more for the extra latitude if you need it, but I don't really see that if it was addressed at DRB, presented originally linearly at that height and now centrally at that height, that there's any magic in changing it. But I would support it either way.

CHAIRMAN GULINO: All right, thank you. Okay. Sounds like we've got some consensus here.

COMMISSIONER HEITEL MADE A MOTION TO APPROVE 88-DR-2005, NOTING THAT THIS MOTION INCLUDES THE FINDINGS AND THE STIPULATIONS WITH THE ADDED STIPULATION THAT WE ARE APPROVING THE FREESTANDING ORNAMENTAL MONUMENT TO BE IN EXCESS OF 60 FEET AND ITS ULTIMATE CONFIGURATION AND HEIGHT TO BE DETERMINED BY CITY COUNCIL. THE MOTION WAS SECONDED BY COMMISSIONER BARNETT AND CARRIED BY A UNANIMOUS VOTE OF 6 (SIX) TO 0 (ZERO).

[END VERBATIM RECORD]

WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 9:09 p.m.

Respectfully submitted,
AV-Tronics, Inc.